



**STATE OF NEW JERSEY**

In the Matter of Richard Jackson and Lawrence Gleason, Assistant Superintendent, Residential Group Center (PS9219P), Juvenile Justice Commission	:	<b>FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION</b>
	:	Administrative Appeals
	:	
	:	
CSC Docket Nos. 2021-1398 and 2021-1399	:	

**ISSUED: JULY 2, 2021 (VJ)**

The Juvenile Justice Commission (JJC) requests retroactive regular appointment dates for Richard Jackson and Lawrence Gleason, to the title of Assistant Superintendent, Residential Group Center, effective December 26, 2019. Since these matters address similar issues, they have been consolidated herein.

By way of background, agency records indicate that Gleason and Jackson were provisionally appointed, pending promotional examination procedures, to the title of Assistant Superintendent Residential Group Center, effective January 7, 2017 and August 4, 2018, respectively. A promotional examination announcement for the title of Assistant Superintendent, Residential Group Center (PS9219P) was announced open with a closing date of November 21, 2019. The resulting eligible list of two names, promulgated on December 26, 2019 and expires on December 25, 2021. It is noted that the appellants were the only applicants who were found to be eligible for the subject examination. It is noted that a certification (PS210202) was not issued from the subject eligible list until March 9, 2021.

On appeal, the appointing authority requests that Jackson and Gleason receive a retroactive regular appointment to the subject title, effective December 26, 2019. Specifically, the appointing authority asserts that when it received a copy of the subject eligible list, it processed a “conversion of appointment” from a provisional appointment, pending promotional examination procedures (PAP) to a regular appointment, promotion (RAP) for the appellants. In doing so, the appointing authority notes that it had indicated that the appellants were being appointed from the subject eligible list. Thereafter, in a February 24, 2021 email to the Division of Agency Services (Agency Services), the appointing authority questioned why a

certification was not processed, appointing the appellants as it had approved an 03 (Conversion of Appointment) in their PMIS records, effective December 26, 2019. Agency Services explained that as a certification was never issued, the permanent appointments should be removed from the appellants' records and a current certification would be issued. Finally, the appointing authority notes that Jackson and Gleason have both completed their working test periods in the subject title.

Agency Services indicates that it supports the appointing authority's request.

### **CONCLUSION**

*N.J.A.C. 4A:4-1.10(c)* states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an individual could have been appointed on the requested retroactive date but as a result of an error on the part of the either the appointing authority or this agency, he or she received a later appointment date. The record reveals that the appointing authority "believed" that it had appointed Jackson and Gleason to the title of Assistant Superintendent Residential Group Center, effective December 26, 2019. However, due to administrative error, a certification was not issued from the PS9219P eligible list in 2019. Moreover, the error was not discovered until February 2021 and a certification, containing only the appellants' names was not issued until March 9, 2021. Therefore, based on the foregoing, ample cause exists to grant the appellants retroactive dates of permanent appointment to the title of Assistant Superintendent Residential Group Center. Furthermore, the appellants have completed their working test periods as an Assistant Superintendent Residential Group Center. Consequently, the appellants' permanent appointments should be recorded as December 26, 2019.

### **ORDER**

Therefore, it is ordered that these requests be granted and the permanent appointments of Richard Jackson and Lawrence Gleason, to the title of Assistant Superintendent Residential Group Center, be recorded as December 26, 2019. It is further order that the March 9, 2021 certification (PS210202) be cancelled.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 30<sup>TH</sup> DAY OF JUNE, 2021

*Deirdre' L. Webster Cobb*

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